

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER: Heincer, L. J.

TITLE: A SOLUTION OF METAL-POLYMER CHELATE(S) AND APPLICATIONS
THEREOF

Amendment C: REMARKS

Upon entry of the present amendments, previous Claims 1 -30 and 41 have been canceled and new Claims 42 - 72 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, Claims 1-30 and 41 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-30 and 41 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 14 - 30 and 41 were rejected under 35 U.S.C. §101 because of the claim recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

As an overview to the present reply, Applicant has extensively amended the original claim language in the form of new Claims 42 - 72. New Claims 42 - 72 express the original limitations in a more proper U.S. format. In those circumstances where ranges of components are specified, each of ranges are supported by the various Examples and Tables contained within the original specification. Under all circumstances, proper antecedent bases and proper structural interrelationships between the various components of the present invention are recited herein.

New independent Claim 42 reflects the limitations of previous independent Claim 1. It is now stated that the solution is suitable for "assisting in a fermentation reserving process". The solution includes a bio-carrier skeleton having various components, carboxyl and amino groups that are combined with the bio-carrier (along with the components of carboxyl and amino groups) and a mixture of the chelates. It is specified that the chelates are in a form which contains positive and negative polar functional groups. The chelates are indicated as mixed with a trace percent of biological proteins having biological molecules. The bio-carrier is now specified in a proper Markush format.

Dependent Claims 43 - 72 correspond, respectively, to the limitations found in previous dependent Claims 2 - 30 and 41. Each of these dependent Claims has been recited in a more proper U.S. format.

Relative to the Claims 55 - 72 (reflecting the limitations of previous dependent Claims 14 - 30 and 41), Applicant has redefined the preamble of such claims so as to reflect the language in independent Claim 42. As such, these claims no longer specify the "method" but rather the application of "the solution of metal-polymer chelates. Applicant's attorney notes that the field of use of the solution carries little patentable weight, but the language in such claims does help to define the invention in a more proper manner.

Applicant notes that the components of the composition of the present invention, as recited in new independent Claim 42, is not shown nor suggested in any of the prior art references. As such, the new claims should be patentably distinguishable from this prior art.

Each of the claims herein finds a proper antecedent basis within the language of the specification.

Based upon the foregoing analysis, Applicant contends that independent Claim 42 is in a condition. Additionally, those claims which are dependent upon independent Claim 42 should also be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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